

12.09.2023
SL. 12
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3486 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **128** of **2023** dated **02.04.2023** under Sections **341/323/325/308/304/506/34** IPC.

And

In the matter of: **Sk. Mahibul**

....petitioner.

Mr. Sabir Ahmed

Ms. Suman Biswas

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakrabarty

... for the State.

1. Heard learned Counsel for the parties.
2. It reveals that earlier a similar such application of the present petitioner was rejected by a co-ordinate Bench of this Court on 17.05.2023 in CRM (A) 2039 of 2023.
3. Since filing of charge-sheet is not a supervening circumstance to entertain an application under Section 438 Cr.P.C. for the second time, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
4. Accordingly, the prayer for anticipatory bail of the present petitioner is hereby considered and rejected.
5. The application being **CRM (A) 3486 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

